

Assistant Commissioner for Patents  
Washington, D.C. 20231

Prior Application:

Examiner N. DEGEN

Art Unit 1636

Sir: This is a request for filing a ☒ Continuation ☐ Divisional

application, under 37 C.F.R. 1.53(b), of pending application Serial No. 08/702,502 filed on

March 3, 1997

of MARGARET A. LIU, JOHN W. SHIVER AND HELEN C. PERRY

(DATE)

(INVENTOR)

for COORDINATE IN VIVO GENE EXPRESSION

(TITLE OF INVENTION)

1. The enclosed comprises a true copy of prior application Serial No. 08/702,502, as filed on March 3, 1997

2. The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

FOR	NUMBER FILED		NUMBER EXTRA	RATE	FEE
Total Claims	44	-	20	24 x	\$18 \$432
Independent Claims	14	-	3	11 x	\$78 \$858
*Multiple Dependent Claims				x	\$260
Basic Fee (minimum amount required)					\$760
* Add this fee if application contains any multiple dependent claims, regardless of number.					\$2050
					<b>Total Fee</b>

3. The Assistant Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to Account No. 13-2755.

4. ☒ Amend the specification by inserting before the first line the sentence:  
-- This is a ☒ continuation, ☐ division of application Serial No. 098/702,502  
filed March 3, 1997

5. ☐ Cancel in this application original claims:

5a. ☒ Preliminary amendment enclosed.

6a. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

6b. ☐ New formal drawings are enclosed.

7a. ☐ Priority of application Serial No. \_\_\_\_\_, filed \_\_\_\_\_  
in \_\_\_\_\_ is claimed under 35 U.S.C. 119.

(COUNTRY)

7b. ☐ The certified copy of the priority application has been filed in prior application Serial No. \_\_\_\_\_  
filed \_\_\_\_\_

8. ☒ The prior application is assigned to MERCK & CO., INC. RAHWAY, N.J. 07065

9. ☒ The undersigned attorney or agent has:

a. ☐ Power in the prior application as originally filed.

b. ☒ Associate power, copy enclosed.

Respectfully,

EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT September 10, 1999

EXPRESS MAIL NO. EM358364529US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" BEFORE 5 P.M. ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

MAILED BY Jane Samuels DATE Sept. 10, 1999

By: J. Mark Hand

Attorney \_\_\_\_\_ for Applicant(s)

Registration No. 36,545

Telephone: (732) 594- 3905

Address: Merck & Co., Inc.

Patent Department

P. O. Box 2000 - RY60-30

Rahway, N.J. 07065-0907

Date: September 10, 1999

09/10/99  
JC670 U.S. PTO

Please type a plus sign (+) inside this box +

PTO/SB/05 (12/97)

**UTILITY  
PATENT  
APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 19188PCA Total Pages 177

First Named Inventor or Application Identifier

M. A. Liu et al

Express Mail Label No. EM358364529US

09/10/99  
PTO/SB/05  
19188PCA  
177

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. Specification [Total Pages 148]
3. Drawing(s) (35 USC 113) [Total Sheets 27]
4. Oath or Declaration [Total Pages 2]
  - a. Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 14 completed)  
[Note Box 5 below]  
**DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).
5. Incorporation By Reference (useable if Box 4b is checked). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. Computer Readable Copy
  - b. Paper Copy (identical to computer copy)
  - c. Statement verifying identity of above copies

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

**ACCOMPANYING APPLICATION PARTS**

7. Assignment papers (cover sheet & document(s))
8. 37 CFR 3.73(b) Statement  
(when there is an assignee) Power of Attorney
9. Information Disclosure Statement  
(IDS)/PTO-1449 Copies of  
IDS Citations
10. Preliminary Amendment
11. Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
12. Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
13. Other:

14. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

Continuation Divisional Continuation-in-part (CIP) of prior application No. 08 / 702,502

**15. CORRESPONDENCE ADDRESS**

☒ Customer Number or Bar Code  
Label

Customer No. 000210

(Insert Customer No. or Attach bar code here)

NAME	J. Mark Hand				
ADDRESS	Merck & Co., Inc., P. O. Box 2000				
CITY	Rahway	STATE	NJ	ZIP CODE	07065-0907
COUNTRY	USA	TELEPHONE	732-594-3905	FAX	732-594-4720

(computer generated form No. U6 - Merck & Co., Inc., 12/97)

**EXPRESS MAIL CERTIFICATE**

DATE OF DEPOSIT September 10, 1999

EXPRESS MAIL NO. EM358,364529

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" BEFORE 5 P.M. ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, BOX PATENT APPLICATION, WASHINGTON, D.C. 20231.

MAILED BY Rene Samuli DATE Sept. 10, 1999